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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,277	10/01/2001	Robert Rasmussen	7578	6795

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EXAMINER

NGUYEN, LONG B

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/967,277

Applicant(s)

RASMUSSEN, ROBERT

Examiner

Long B Nguyen

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-- Th MAILING DATE of this communication appears on the cover sheet with the corresponding address--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27-53 is/are pending in the application.
- 4a) Of the above claim(s) 26 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39-53 is/are allowed.
- 6) ☒ Claim(s) 1-5, 14-17, 24, 25, 27, 28 and 31 is/are rejected.
- 7) ☒ Claim(s) 6-13, 18-23, 29, 30 and 32-38 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Specie I in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Specification

2. The abstract of the disclosure is objected to because the legal phrase "comprising" is in the abstract in line 3. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 14-17, 24-25, 27-28, 31, and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Halmosi et al.

With respect to claims 1, 14, 24, and 27, Halmosi et al. disclose a grouser shoe 10 for a tracked vehicle, the grouser shoe 10 having a pad 12 and a bar 34 with a center and an end 52, the shoe 10 comprising the bar 34 being of uniform thickness and being integral with the pad, the center of the bar having a center axis, the end of the bar

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having an end axis, the end axis being angled in respect to the center axis to form a wing 52 at the end of the bar 34.

With respect to claims 2, 15, 28, and 31, Halmosi et al. disclose a grouser shoe 10 wherein the bar 34 has a second end (opposite of reference character 52) and characterized in that the second end has a second end axis, and the second end axis being angled in respect to the center axis to form a second wing at the second end of the bar. (With respect to claim 31, "shearing" is a method in a product claim, therefore, it does not have merit for examination.)

With respect to claim 3, Halmosi et al. disclose a grouser shoe wherein the bar has a second end and characterized in that the second end has a second end axis, the second end axis being angled in respect to the center axis to form a second wing (opposite of reference character 52) and the second end axis being differentially angled in respect to the center bar than the end axis.

With respect to claims 4-5 and 16-17, Halmosi et al. disclose a grouser shoe characterized in that the center of the bar has center height 34 in Figure 1, the end of the bar has an end height 50, and the center height 34 being greater than the end height 50 and the two ends have specified lengths, and the specified lengths being different respectively.

With respect to claim 25, Halmosi et al. disclose a grouser shoe having a pad 12 bolted to a drive link via a bolt (via holes 26, 28), the improvement of a bolt protector and the bolt protector 46 being attached to the pad next to the bolt.

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With respect to claim 53, Halmosi et al. disclose the method of manufacturing a grouser shoe, the method comprising forming a pad and forming a bar, the bar having a center and an end, including bending the end of the bar in respect to the center of the bar to form a wing and attaching the wing to the pad.

Allowable Subject Matter

5. Claims 6-13, 18-23, 26, 29-30, and 32-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 39-53 are allowed.

Conclusion

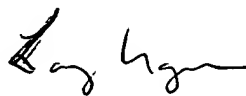
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hansen, Peterson et al., Pennington, Thomas, Groff, Toews, Militana, Ostberg et al., Hansen, Riegel et al., Gotshall, Risk, and Watts, Jr. are further cited to show track shoes with bars.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long B Nguyen whose telephone number is 703.305.5201. The examiner can normally be reached on M-F with alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703.308.0230. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9326 for regular communications and 703.305.5201 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

lbn
May 19, 2003

 5/19/03
LONG BAO NGUYEN
PATENT EXAMINER